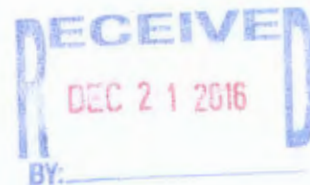




**Judicial
Watch®**
*Because no one
is above the law!*



14 December 2016

VIA CERTIFIED MAIL

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Judicial Watch, Inc. ("Judicial Watch") hereby requests that the Environmental Protection Agency (EPA) produce the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"):

- 1) A copy of the EPA's "plan for converting full-time FOIA professionals' position descriptions to the Government Information Series," as mentioned on page 4 of Acting Assistant Administrator Renee P. Wynn's "U.S. Environmental Protection Agency 2015 Chief FOIA Officer Report (March 2014-March 2015)."
- 2) A copy of each Quarterly Report "that is provided to all Senior Leaders, on the status of FOIA requests in their organizations," as mentioned on page 6 of Acting Assistant Administrator Renee P. Wynn's "U.S. Environmental Protection Agency 2015 Chief FOIA Officer Report (March 2014-March 2015)," that was created from March 2015 through December 2016.

Please determine whether to comply with this request within the time period required by FOIA and notify us immediately of your determination, the reasons therefor, and the right to appeal any adverse determination to the head of the agency or his or her designee. 5 U.S.C. § 552(a)(6)(i). Please also produce all responsive records in an electronic format ("pdf" is preferred), if convenient. We also are willing to accept a "rolling production" of responsive records if it will facilitate a more timely production.

Judicial Watch also hereby requests a waiver of both search and duplication fees. We are entitled to a waiver of search fees because we are a "representative of the news

Environmental Protection Agency

14 December 2016

Page 2 of 3

media.” See 5 U.S.C. § 552(a)(4)(A)(ii)(II); see also *Cause of Action v. Federal Trade Comm.*, 799 F.3d 1108 (D.C. Cir. 2015); *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381 (D.C. Cir. 1989). For more than twenty years, Judicial Watch has used FOIA and other investigative tools to gather information about the operations and activities of government, a subject of undisputed public interest. We submit over 400 FOIA requests annually. Our personnel, which includes experienced journalists and professional writers on staff and under contract, use their editorial skills to turn this raw information into distinct works that are disseminated to the public via our monthly newsletter, which has a circulation of over 300,000, weekly email update, which has over 600,000 subscribers, investigative bulletins, special reports, www.judicialwatch.org website, *Corruption Chronicles* blog, and social media, including Facebook and Twitter, among other distribution channels. We have authored several books, including *Corruption Chronicles* by Tom Fitton (Threshold Editions, July 24, 2012), and another book, *Clean House* by Tom Fitton (Threshold Editions, Aug. 30, 2016), is forthcoming. In 2012, we produced a documentary film, “District of Corruption,” directed by Stephen K. Bannon. Our “news media” status has been confirmed in court rulings. See, e.g., *Judicial Watch, Inc. v. U.S. Dep’t of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006); *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000). As a tax exempt, 501(c)(3) non-profit corporation, we have no commercial interests and do not seek the requested records for any commercial use. Rather, we intend to use the requested records as part of our on-going investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

Judicial Watch also is entitled to a waiver of both search fees and duplication fees because “disclosure of the information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records undoubtedly will shed light on “the operations or activities of the government.” *Cause of Action*, 799 F.3d at 1115 (quoting 5 U.S.C. § 552(a)(4)(A)(iii)). Disclosure also is “likely to contribute significantly to the public understanding” of those operations or activities because, among other reasons, Judicial Watch intends to disseminate both the records and its findings to “a reasonably broad audience of persons interested in the subject” via its newsletter, email updates, investigative bulletins, website, blog, and its other, regular distribution channels. *Cause of Action*, 799 F.3d at 1116 (quoting *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 815 (2d Cir. 1994)). Again, Judicial Watch does not seek the requested records for any commercial benefit or for its own “primary” benefit, but instead seeks them as part of its ongoing investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

In the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch agrees to pay up to \$300.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

If you do not understand this request or any portion thereof, or if you feel you

Environmental Protection Agency

14 December 2016

Page 3 of 3

require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or kjespersen@judicialwatch.org.

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kirsti Jespersen", with a long, sweeping horizontal line extending to the right.

Kirsti Jespersen

Investigator

Judicial Watch, Inc.



**Judicial
Watch**
*Because no one
is above the law*

CERTIFIED MAIL



7016 0750 0000 1955 1638

NATIONAL FREEDOM OF INFORMATION OFFICER
U.S. ENVIRONMENTAL PROTECTION AGENCY
1200 PENNSYLVANIA AVENUE, NW (2822T)
WASHINGTON, D.C. 20460

neopost
12/14/2016
US POSTAGE \$006.90⁰



ZIP 20024
041L10246948

DEC 19 2016

